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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. *2013-833*

13 **SUE ANNE TAYLOR**
14 **1155 Avenida Frontera**
15 **Oceanside, CA 92057**

A C C U S A T I O N

16 **Registered Nurse License No. 692139**

Respondent.

17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
20 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
21 Consumer Affairs.

22 2. On or about November 8, 2006, the Board of Registered Nursing issued Registered
23 Nurse License Number 692139 to Sue Ann Taylor (Respondent). The Registered Nurse License
24 was in full force and effect at all times relevant to the charges brought herein and will expire on
25 December 31, 2013, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811, subdivision (b) of the Code, the Board may renew an expired license at any time.

STATUTORY PROVISIONS

6. Section 482 of the Code states:

Each board under the provisions of this code shall develop criteria to evaluate the rehabilitation of a person when:

- (a) Considering the denial of a license by the board under Section 480; or
- (b) Considering suspension or revocation of a license under Section 490.

Each board shall take into account all competent evidence of rehabilitation furnished by the applicant or licensee."

7. Section 490 of the Code provides, in pertinent part, that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

8. Section 493 of the Code states:

Notwithstanding any other provision of law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the crime shall be conclusive

evidence of the fact that the conviction occurred, but only of that fact, and the board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if the conviction is substantially related to the qualifications, functions, and duties of the licensee in question.

As used in this section, 'license' includes 'certificate,' 'permit,' 'authority,' and 'registration.'

9. Section 2761 of the Code states:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

...

(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof.

....

10. Section 2762 of the Code states:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

....

(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

(c) Be convicted of a criminal offense involving the prescription, consumption, or self-administration of any of the substances described in subdivisions (a) and (b) of this section, or the possession of, or falsification of a record pertaining to, the substances described in subdivision (a) of this section, in which event the record of the conviction is conclusive evidence thereof.

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REGULATORY PROVISIONS

11. California Code of Regulations, title 16, section 1444, states:

A conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or welfare. Such convictions or acts shall include but not be limited to the following:

(a) Assaultive or abusive conduct including, but not limited to, those violations listed in subdivision (d) of Penal Code Section 11160.

(b) Failure to comply with any mandatory reporting requirements.

(c) Theft, dishonesty, fraud, or deceit.

(d) Any conviction or act subject to an order of registration pursuant to Section 290 of the Penal Code.

12. California Code of Regulations, title 16, section 1445(b), states:

When considering the suspension or revocation of a license on the grounds that a registered nurse has been convicted of a crime, the board, in evaluating the rehabilitation of such person and his/her eligibility for a license will consider the following criteria:

(1) Nature and severity of the act(s) or offense(s).

(2) Total criminal record.

(3) The time that has elapsed since commission of the act(s) or offense(s).

(4) Whether the licensee has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.

(5) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.

(6) Evidence, if any, of rehabilitation submitted by the licensee.

COST RECOVERY

13. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case, with failure of the licentiate to comply subjecting the license to not being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

FIRST CAUSE FOR DISCIPLINE

(March 23, 2001 Criminal Conviction for DUI on January 26, 2001)

14. Respondent is subject to disciplinary action under Code sections 490 and 2761(f) of the Code in that she was convicted of a crime substantially related to the qualifications, functions, and duties of a registered nurse. The circumstances are as follows:

15. On or about March 23, 2001, in a criminal proceeding entitled *People of the State of California v. Sue Anne Taylor*, in the Superior Court of California, County of San Diego, North County Division, in Case No. CN124728, Respondent was convicted on her guilty plea of violating Vehicle Code section 23152(a) (DUI), a misdemeanor. As a result of a plea bargain, a count for violating Vehicle Code section 23152(b) (driving with a blood alcohol concentration (BAC) of 0.08 percent or more), a misdemeanor, was dismissed.

16. The circumstances that led to Respondent's conviction are that on January 26, 2001, at approximately 2:00 a.m., California Highway Patrol Officers observed a vehicle traveling northbound on I-5 from Carlsbad Village Drive to eastbound 78 drifting in and out of the right shoulder of the freeway for approximately two feet each time. Officers performed a traffic stop of the vehicle and made contact with the driver (Respondent). Officers detected an odor of an alcoholic beverage emitting from the interior of the vehicle and asked Respondent if she had been drinking, to which Respondent replied that she had not. Officers asked Respondent to step outside of her vehicle and as she did so, observed that Respondent was slightly unsteady as she walked onto the concrete sidewalk. Upon making further contact with Respondent, officers detected an odor of an alcoholic beverage emitting from her breath and noticed that her eyes were bloodshot, watery, and glassy, that her speech was soft, thick, and slightly slurred, and that she was swaying in all directions. Officers performed a field sobriety test of Respondent, which she failed. Respondent submitted to two breathalyzer tests which registered 0.108 percent and 0.103 percent BAC. Officers placed Respondent under arrest and transported her to the county jail.

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1 **SECOND CAUSE FOR DISCIPLINE**

2 **(February 19, 2013 Criminal Conviction for DUI and Disturbing the Peace**
3 **on November 19, 2011)**

4 17. Respondent is subject to disciplinary action under Code sections 490 and 2761(f) of
5 the Code in that Respondent was convicted of a crime substantially related to the qualifications,
6 functions, and duties of a registered nurse. The circumstances are as follows:

7 18. On or about February 19, 2013, in a criminal proceeding entitled *People of the State*
8 *of California v. Sue Anne Taylor*, in the Superior Court of California, County of Riverside, in
9 Case No. SWM1202898, Respondent was convicted on her plea of guilty of violating Vehicle
10 Code section 23152(a) (DUI), and Penal Code section 415(2) (disturbing the peace),
11 misdemeanors, with an admitted allegation of violating Vehicle Code section 23578 for having a
12 BAC of 0.15 percent or more and 23577(a)(1) for refusing to submit to a chemical test. As a
13 result of a plea bargain, a count for violating Vehicle Code section 23152(b) (driving with a BAC
14 of 0.08 percent or more), a misdemeanor, was dismissed.

15 19. As a result of the conviction, the Court placed Respondent on summary probation
16 for three years and ordered her to serve 35 days in the county jail, with 34 days to be served in the
17 work release program, obey all laws, ordinances and court orders, pay various fees and fines, not
18 drive with any measurable amount of alcohol or drugs in her blood or within six hours of
19 consuming any alcohol or drugs, submit to blood, breath, or urine test as requested by any
20 arresting officer, not drive unless properly licensed nor without insurance or valid registration,
21 attend and satisfactorily complete a 9-month First Offender DUI Program for having registered a
22 BAC over 0.20 percent, not leave the State of California without first obtaining written
23 permission of the probation department per the Interstate Compact Act, and not annoy, harass,
24 threaten or disturb the peace of law enforcement.

25 20. The circumstances that led to the conviction are that on November 19, 2011, at
26 approximately 7:30 p.m., Riverside County Sheriff Deputies while on patrol in the City of
27 Temecula southbound on Butterfield approaching De Portola Road, observed a vehicle stopped at
28 the red light at the intersection facing eastbound on De Portola Road. Deputies approached the

1 intersection while still having the green light and when they were approximately 100 feet from
2 the intersection, saw the stopped vehicle accelerate through a red light eastbound. Deputies
3 immediately applied the brakes and swerved behind the vehicle in order to avoid colliding into
4 the driver's side of the vehicle. Deputies quickly turned behind the vehicle and activated their
5 overhead emergency lights in order to pull the vehicle over, which came to a stop after about 300
6 yards. When deputies approached the driver (Respondent), they could smell the distinct odor of
7 an alcoholic beverage and asked Respondent if she had consumed any alcohol that evening, to
8 which she replied that she had not. Deputies observed that Respondent's eyes were bloodshot
9 and watery. Deputies performed field sobriety tests of Respondent which she failed, at one point
10 falling backwards onto the rear fender of her vehicle. Respondent submitted to a preliminary
11 alcohol screening test which registered 0.22 percent BAC. Respondent was arrested and
12 transported to the Southwest Station for a blood draw. Once at the station, Respondent told a
13 deputy that she was going to refuse to submit to a blood draw and deputies reminded her that
14 refusal to submit to a chemical sample would result in the revocation of her driving privilege. As
15 a deputy turned away from Respondent, the deputy heard the distinct sound of metal falling onto
16 a wood surface, looked back at Respondent and saw that she had slipped her hands out of the
17 handcuffs. The deputy quickly grabbed Respondent's left hand, placed it behind her back and
18 ordered her to turn away from the deputy and to place her right hand behind her back.
19 Respondent refused to comply with the deputy's command and began to turn counterclockwise
20 towards the deputy. Respondent continued to try to twist around counterclockwise to face the
21 deputy and in order to gain control of Respondent, the deputy took Respondent to the ground and
22 placed his body weight on top of her. Respondent was handcuffed and again refused to submit to
23 a chemical test. Respondent was forced to a blood draw and was booked into the county jail.

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1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Unprofessional Conduct-Use of Alcohol in a Manner Dangerous**
3 **or Injurious to Self or Others)**

4 21. Respondent is subject to disciplinary action for unprofessional conduct under Code
5 section 2762, subdivision (b), in that on January 6, 2001 and November 19, 2011, she used
6 alcohol to an extent or in a manner that was dangerous to herself and the public when she drove a
7 motor vehicle while having a significantly high BAC, as set forth in paragraphs 14 through 20,
8 above, which are incorporated here by reference.

9 **FOURTH CAUSE FOR DISCIPLINE**

10 **(Unprofessional Conduct – Conviction of Alcohol-Related Crimes)**

11 22. Respondent is subject to disciplinary action for unprofessional conduct under Code
12 section 2762, subdivision (c), in that on March 23, 2001 and February 29, 2013, she was
13 convicted of criminal offenses involving the consumption of alcohol, as set forth in paragraphs
14 14 through 20, above, which are incorporated here by reference.

15 **PRAYER**

16 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
17 and that following the hearing, the Board of Registered Nursing issue a decision:

18 1. Revoking or suspending Registered Nurse License Number 692139 issued to Sue
19 Anne Taylor;

20 2. Ordering Sue Anne Taylor to pay the Board of Registered Nursing the reasonable
21 costs of the investigation and enforcement of this case, pursuant to Business and Professions
22 Code section 125.3;

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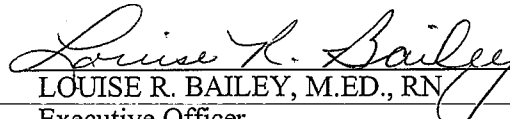
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1 3. Taking such other and further action as deemed necessary and proper.

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3 DATED: MARCH 27, 2013


LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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